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**U.S. District Court
SOUTHERN DISTRICT OF TEXAS (McAllen)
CIVIL DOCKET FOR CASE #: 7:16-cv-00365**

Rios et al v. Allstate Texas Lloyd's

Assigned to: Judge Randy Crane

Case in other court: 381st Judicial District Court of Starr
County, TX, DC-16-00265

Cause: 28:1332 Diversity-Notice of Removal

Date Filed: 06/27/2016

Jury Demand: Defendant

Nature of Suit: 110 Insurance

Jurisdiction: Diversity

Plaintiff

Delfino Rios

represented by **David Wesley Holland**

Allan, Nava, Glander & Holland, PLLC

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Plaintiff

Olivia Rios

represented by **David Wesley Holland**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

V.

Defendant

Allstate Texas Lloyd's

represented by **Roger Dale Higgins**

Thompson Coe et al

700 N Pearl St

25th Flr

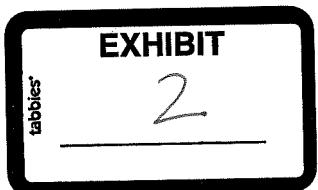
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Date Filed	#	Docket Text
06/27/2016	<u>1</u>	NOTICE OF REMOVAL from 381st Judicial District Court of Starr County, TX, case number DC-16-265 (Filing fee \$ 400 receipt number 0541-16860469) filed by Allstate Texas Lloyd's. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Civil Cover Sheet)(Rosa, Vanessa) (Entered: 06/27/2016)
06/28/2016	<u>2</u>	ORDER for Initial Pretrial and Scheduling Conference and Order to Disclose Interested Persons. Initial Conference set for 9/8/2016 at 09:00 AM before Judge Randy Crane(by Judge Randy Crane) Parties notified.(jengonzalez, 7) (Entered: 06/28/2016)
08/25/2016	<u>3</u>	MOTION to Strike <i>Plaintiffs' Claims Pursuant to FRCP 12(f) and Brief in Support</i> by Allstate Texas Lloyd's, filed. Motion Docket Date 9/15/2016. (Attachments: # <u>1</u> Appendix, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B)(Rosa, Vanessa) (Entered: 08/25/2016)
08/29/2016	<u>4</u>	JOINT DISCOVERY/CASE MANAGEMENT PLAN by Allstate Texas Lloyd's, filed.(Higgins, Roger) (Entered: 08/29/2016)
09/05/2016	<u>5</u>	CERTIFICATE OF INTERESTED PARTIES by Allstate Texas Lloyd's, filed. (Rosa, Vanessa) (Entered: 09/05/2016)
09/05/2016	<u>6</u>	DEMAND for Trial by Jury by Allstate Texas Lloyd's, filed.(Rosa, Vanessa) (Entered: 09/05/2016)
09/06/2016	<u>7</u>	NOTICE of Appearance by Peter E Ferraro on behalf of Delfino Rios, Olivia Rios, filed. (Ferraro, Peter) (Entered: 09/06/2016)
09/08/2016		Minute Entry for proceedings held before Judge Randy Crane. Initial PRETRIAL and Scheduling CONFERENCE held on 9/8/2016. The Court addressed the pending defendants' <u>3</u> Motion to Strike Plaintiffs' claims pursuant to 12(f) which is pending a response due by 9/15/2016. If necessary, the Court will set an evidentiary hearing on the testimony of the plaintiffs and counsel. Defense counsel presented a timeline and addressed the issue of the pending disciplinary action against Attorney Kent J. Livesay. Without any objection, the Court will not issue a scheduling order today and instead will issue an order resetting this IPTC hearing for next month. Appearances: Peter E. Ferraro; Roger Dale Higgins/Vanessa Annette Rosa.(ERO: Ricardo Rodriguez [9:24-9:32]), filed.(lcervantes,7) (Entered: 09/12/2016)
09/09/2016	<u>8</u>	NOTICE of Resetting. Parties notified. Initial Conference set for 10/5/2016 at

		09:00 AM before Judge Randy Crane, filed. (agarcia, 7) (Entered: 09/09/2016)
09/12/2016	<u>9</u>	TRANSCRIPT re: Initial Conference held on September 8, 2016 before Judge Randy Crane. Court Reporter/Transcriber Judicial Transcribers of Texas, LLC. Ordering Party Theresa Smith Release of Transcript Restriction set for 12/12/2016., filed. (mahenry,) (Entered: 09/12/2016)
09/14/2016	<u>10</u>	Opposed MOTION Response to Motion to Strike by Delfino Rios, filed. Motion Docket Date 10/5/2016. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Appendix, # <u>4</u> Order Denying Motion to Strike)(McCarthy, William) (Entered: 09/15/2016)
09/27/2016		AO 435 TRANSCRIPT REQUEST by Theresa Smith for Transcript of INITIAL CONF. held on 9/8/16 before Judge Randy Crane. Expedited (7 days) turnaround requested. Transcriber: Judicial Transcribers of Texas, filed. (riodriguez, 7) (Entered: 09/27/2016)
09/28/2016	<u>11</u>	REPLY to <u>3</u> MOTION to Strike <i>Plaintiffs' Claims Pursuant to FRCP 12(f) and Brief in Support</i> , <u>10</u> Opposed MOTION Response to Motion to Strike , filed by Allstate Texas Lloyd's. (Attachments: # <u>1</u> Appendix, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H)(Rosa, Vanessa) (Entered: 09/28/2016)
10/05/2016	<u>12</u>	MOTION to Alter Judgment, MOTION to Withdraw Reference, First MOTION for R.Kent Livesay to Withdraw as Attorney(Motion Docket Date 10/26/2016.) by Delfino Rios, Olivia Rios, filed. (McCarthy, William) (Entered: 10/05/2016)
10/05/2016	<u>13</u>	First RESPONSE To Allstate Combined Reply to Plaintiffs' Responses to Defendant's Motion to Strike and Motion to Request the Court to Compel Discovery Regarding Mr. Llivesay's Legal Relationship with Plaintiffs, filed by Delfino Rios, Olivia Rios. (McCarthy, William) (Entered: 10/05/2016)
10/05/2016		Minute Entry for proceedings held before Judge Randy Crane. Initial PRETRIAL and Scheduling CONFERENCE held on 10/5/2016. The Court addressed the pending motions and counsel presented arguments. Attorney Peter E. Ferraro announced that Attorney Livesay, not licensed to practice in federal court, will be withdrawing due to conflict. The Court ordered an Evidentiary Hearing set for Friday, 10/31/2016 at 10:30 AM and ordered the presence of the plaintiffs Olivia and Delfino Rios. Appearances: Peter E. Ferraro; Roger D. Higgins/Vanessa A. Rosa.(ERO: Ricardo Rodriguez [9:20-10:00])(Law Clerk: D. Fisher), filed.(lcervantes,7) (Entered: 10/05/2016)
10/05/2016	<u>14</u>	AO 435 TRANSCRIPT REQUEST by Theresa Smith for Transcript of INITIAL CONFERENCE held on 10/5/16 before Judge Randy Crane. Daily (24 hours) turnaround requested. Transcriber: Judicial Transcribers of Texas, filed. (riodriguez, 7) (Entered: 10/05/2016)
10/07/2016	<u>15</u>	TRANSCRIPT re: Initial Conference held on October 5, 2016 before Judge Randy Crane. Court Reporter/Transcriber Judicial Transcribers of Texas, LLC. Ordering Party Theresa Smith Release of Transcript Restriction set for

		1/5/2017., filed. (mahenry,) (Entered: 10/07/2016)
10/07/2016	<u>16</u>	ORDER SETTING EVIDENTIARY HEARING Evidentiary Hearing set for 10/31/2016 at 10:30 AM before Judge Randy Crane(Signed by Judge Randy Crane) Parties notified.(agarcia, 7) (Entered: 10/07/2016)
10/07/2016	<u>17</u>	ORDER granting <u>12</u> Motion to Withdraw as Attorney. Attorney Richard Kent Livesay terminated.(Signed by Judge Randy Crane) Parties notified.(bgarces, 7) (Entered: 10/07/2016)
10/26/2016	<u>18</u>	SUPPLEMENT to <u>3</u> MOTION to Strike <i>Plaintiffs' Claims Pursuant to FRCP 12(f) and Brief in Support</i> by Allstate Texas Lloyd's, filed.(Rosa, Vanessa) (Entered: 10/26/2016)
10/26/2016	<u>19</u>	APPENDIX re: <u>18</u> Supplement by Allstate Texas Lloyd's, filed. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7)(Rosa, Vanessa) (Entered: 10/26/2016)
10/31/2016	<u>20</u>	Minute Entry for proceedings held before Judge Randy Crane. At the request of the Court, IN CHAMBERS CONFERENCE, not recorded, held on 10/31/2016 with all counsel. The Court excused the presence of Attorney William J. McCarthy* as it was made clear that he is no longer Attorney of Record in this case. The Court addressed counsel and also announced how it will proceed in this matter. Later, called on the docket. HEARING held on 10/31/2016. The Court addressed counsel and made some observations of civil litigation and criminal investigation out of the conduct of prior counsel Attorney Livesay and those allegations involve the plaintiffs as subject of the ongoing investigation. Therefore the Court announced that present counsel for the plaintiff Peter Ferraro is disqualified from representing the plaintiffs in this case. The Court will allow the plaintiffs thirty (30) days to obtain new counsel and if necessary request additional time to retain new counsel or if necessary come to the Office of Clerk of the Court and advise should additional time be necessary. If the plaintiffs do not obtain new counsel the Court will dismiss the case for want of prosecution. The Court noted that both the plaintiffs were present in the courtroom, with proceedings translated and acknowledged they understood the Court. The Court vacated the scheduling order in this case. The defendant's motion is held in abeyance pending substitution of new counsel. Appearances: Peter E. Ferraro/William J. McCarthy*; Roger D. Higgins/Vanessa A. Rosa. (ERO: Citlalic Villegas [(10:35-11:02)/11:04-11:12])(Elena Medrano-used as for Plaintiff Mrs. Rios)(Law Clerk: D. Fisher), filed.(lcervantes,7) (Entered: 10/31/2016)
11/30/2016	<u>20</u>	NOTICE of Appearance by Wes Holland and William N. Allan, IV on behalf of Delfino Rios, Olivia Rios, filed. (Holland, David) (Entered: 11/30/2016)
12/01/2016	<u>21</u>	ORDER SETTING STATUS CONFERENCE Status Conference set for 1/13/2017 at 10:00 AM before Judge Randy Crane(Signed by Judge Randy Crane) Parties notified.(agarcia, 7) (Entered: 12/01/2016)
01/13/2017	<u>22</u>	RULE 16 SCHEDULING ORDER. Amended Pleadings due by 8/11/2017. Joinder of Parties due by 8/11/2017 Pltf Expert Report due by 9/1/2017. Deft

	Expert Report due by 9/15/2017. Discovery due by 10/6/2017. Dispositive Motion Filing due by 10/20/2017. Non-Dispositive Motion Filing due by 10/20/2017. Joint Pretrial Order due by 11/27/2017. Pretrial Conference set for 12/4/2017 at 09:30 AM before Judge Randy Crane. Jury Selection set for 12/5/2017 at 09:30AM before Judge Randy Crane. Motion Hearing set for 11/17/2017 at 09:30 AM before Judge Randy Crane.(Signed by Judge Randy Crane) Parties notified.(jengonzalez, 7) (Entered: 01/17/2017)
01/13/2017	Minute Entry for proceedings held before Judge Randy Crane. STATUS CONFERENCE held on 1/13/2017. The Court addressed counsel about the progress of the discovery and also newly hired plaintiffs' counsel. The Court will issue Scheduling Order setting the case for trial either November or December 2017. The Court ruled on <u>3</u> Motion to Dismiss and <u>10</u> Opposed Motion in Response-Denied both as moot. Appearances: D. Wesley Holland/Vanessa A. Rosa(ERO: Ricardo Rodriguez [11:25-11:29])(Law Clerk: D. Fisher), filed.(DeliaRodriguez, 7) (Entered: 01/25/2017)

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